

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
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FISCAL IMPACT STATEMENT

LS 6038

BILL NUMBER: SB 8

DATE PREPARED: Jan 23, 2002

BILL AMENDED: Jan 22, 2002

SUBJECT: Automated Traffic Law Enforcement Systems.

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FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: Local

Summary of Legislation: (Amended) This bill has the following provisions:

- (1) It relocates the definition of "traffic control device" for purposes of the motor vehicle code;
- (2) "Automated traffic law enforcement system" is defined as a device that has one or more motor vehicle sensors working in conjunction with a traffic control signal with steady red indication or illuminated flashing red light and that produces a recorded still photographic image of a motor vehicle proceeding through an intersection. (The bill also defines "traffic control signal".);
- (3) A local authority is allowed to adopt and enforce an ordinance under which the owner of a motor vehicle commits a violation when an automated traffic law enforcement system produces a recorded image of the motor vehicle proceeding through the intersection contrary to the requirement to stop at a red light;
- (4) The bill also establishes certain defenses that may be raised in a proceeding to enforce an ordinance concerning automated traffic law enforcement systems;
- (5) It provides that an ordinance concerning the use of an automated traffic control system may not impose a civil penalty exceeding \$100 and that the ordinance may be enforced through a local ordinance violation bureau or through infraction and ordinance violation enforcement proceedings;
- (6) The bill provides that an ordinance may not provide for the payment of compensation to a vendor on the basis of the number of recorded images, the number of citations issued, or revenue generated;
- (7) It provides that an ordinance must require a local police officer to review the recorded image;
- (8) The bill authorizes an ordinance to provide for the mailing of warning notices in lieu of imposing a civil penalty; and

(9) It makes conforming changes.

Effective Date: July 1, 2002.

Explanation of State Expenditures:

Explanation of State Revenues:

Explanation of Local Expenditures: (Revised) (1) The bill relocates the definition of "traffic control device" for purposes of the motor vehicle code. This part will have no fiscal impact.

(2) "Automated traffic law enforcement system" is defined as a device that has one or more motor vehicle sensors working in conjunction with a traffic control signal with steady red indication or illuminated flashing red light and that produces a recorded still photographic image of a motor vehicle proceeding through an intersection. (The bill also defines "traffic control signal".) The specific fiscal impact of this provision will depend upon the type of program implemented and the extent to which the local unit is required to purchase and maintain the equipment, along with the anticipated revenue stream.

Background Information:

For example, the City of New York has a program which utilizes cameras to record violations of motorists proceeding through the intersection; contrary to the requirement to stop at a red light. This type of program is commonly referred to as a "Red Light Running program." In this program, the City of New York has contracted with Electronic Data Systems (EDS) who supplies and maintains the system. For this, EDS receives a portion of each fine assessed from the Red Light Running program. The City of New York receives the rest. Potential costs include the red light camera and sensors. The Federal Highway Administration (FHWA) estimates that a red light camera costs approximately \$50,000. Installation and sensors cost about \$5,000.

In addition, the bill requires local authorities to install advance warning signs along the roadway proceeding to the intersection at which an automated camera is installed. The estimated fiscal impact for the signs will depend upon the number of signs needed. The cost for one sign is \$84.96.

(3) The bill also allows a local authority to adopt and enforce an ordinance under which the owner of a motor vehicle commits a violation when an automated traffic law enforcement system produces a recorded image of the motor vehicle proceeding through the intersection contrary to the requirement to stop at a red light. This part can be accomplished through current practices and should not involve any additional expenditures.

(4) This part also establishes certain defenses that may be raised in a proceeding to enforce an ordinance concerning automated traffic law enforcement systems. Any additional fiscal impact which may occur because of the newly established system can be addressed with current resources for both law enforcement and prosecution of cases.

(6) The bill also provides that an ordinance may not provide for the payment of compensation to a vendor on the basis of the number of recorded images, the number of citations issued, or revenue generated. This part places prohibitions on the local units regarding how vendor contracts may be structured and could impact expenditures associated with the implementation of the new system.

(7) This part provides that an ordinance must require a local police officer to review the recorded image. This provision will take the time of a local police officer. The specific fiscal impact will depend upon the number of reviews which occur and the time involved.

(8) This part authorizes an ordinance to provide for the mailing of a notice imposing a civil penalty or a warning notice in lieu of imposing a civil penalty. This will add to the mailing costs of local units, and the impact will depend upon the number of such mailings.

(9) The bill also makes conforming changes which will have no fiscal impact.

Explanation of Local Revenues: (5) This part provides that an ordinance concerning the use of an automated traffic control system may not impose a civil penalty exceeding \$100 and that the ordinance may be enforced through a local ordinance violation bureau or through infraction and ordinance violation enforcement proceedings. Local revenue will depend upon the design and implementation of the specific programs and ordinances and will vary by locality.

(8) This part authorizes an ordinance to provide for the mailing of warning notices in lieu of imposing a civil penalty. To the extent that the warnings would replace the imposition of the \$100 maximum civil penalty, there will be a reduction of potential revenue.

State Agencies Affected:

Local Agencies Affected: Those units who participate in the red light running program.

Information Sources: John R. Di Lavore, Director Red Light Camera Study Program, City of New York, 718-786-2233; Federal Highway Administration Web page.